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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/657,259 Confirmation No. : 4030  
First Named Inventor : Takuya SHIRAISHI  
Filed : September 9, 2003  
TC/A.U. : 3752  
Examiner : C. S. Kim

Docket No. : 056207.52747US  
Customer No. : 23911

Title : Fuel Injection Valve and Cylinder Injection Type  
Internal Combustion Engine Installing The Same

**RESPONSE TO RESTRICTION AND  
SPECIES ELECTION REQUIREMENT**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on or after March 31, 2005, applicants provisionally elect Claims 1-4 and 7-12 (I) and also provisionally elect Figure 5A (D) upon which Claims 7-12 are readable.

Applicants respectfully traverse the restriction requirement on grounds that the Patent and Trademark Office has not set forth a prima facie case of independence and/or distinctness to satisfy 35 USC § 121. Mere difference in classification is not an adequate ground, in and of itself, to justify restriction and the consequences to the applicants. The Office Action also does not satisfy condition (1) or (2) as set forth in MPEP § 806.05(f). The statement beginning "In the instant case ..." is only a conclusion, not the required showing as to the ability to make the claimed product by a materially different process.

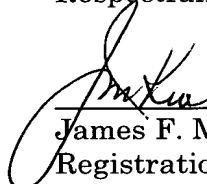
In the event that one or more generic claims are found allowable, however, applicants request inclusion of the remaining claims directed to the provisionally non-elected species.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 056207.52747US).

Respectfully submitted,

April 28, 2005

  
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